

WATER DISTRICT NO. 1  
150 Shoup, Suite 15  
Idaho Falls, Idaho 83402  
Phone 525-7172

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114  
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SNAKE RIVER WATER REPORT ON September 22, 1987 <sup>Water Resources</sup>  
(From reports by USBR, USGS, and cooperating parties)

<u>STATION</u>	<u>DISCH or CONT</u>	<u>STORED</u>	<u>NORMAL</u>
Jackson Lake	68,200 (a)		
Snake River at Moran	1,360	1,195	165
Palisades Reservoir (usable)	411,600 (a)		
Snake River at Irwin	6,060	3,360	2,700
Snake River nr Heise	6,200	3,240	2,960
Island Park Reservoir	51,030 (a)		
Henrys Fork blw Isl. Park Dam	726	62	664
Grassy Lake	8,095 (a)		
Henrys Fork nr Rexburg	768	444	1,212
Ririe Reservoir	39,600 (a)		
Willow Creek	330	305	25
Snake River nr Shelley	3,750	-625	4,375
Snake River at Blackfoot	1,670	1,670	0
American Falls Reservoir	174,250 (a)		
Snake River at Neeley	8,080	3,820	4,260
Minidoka N.S. Canal	664 (1)	108	1,077
Minidoka S.S. Canal	521 (1)		
Lake Walcott	94,600 (a)		
Snake River nr Minidoka	6,170	3,613	2,557
A & B Irrigation	49	49	0
P.A. Lateral	39 (2)		
Milner Low Lift	75	75	0
A Lateral + N.S X-Cut Gooding	903 (2)		
Reservoir Dist. #2	1,015	1,015	0
Twin Falls N.S. Canal	1,230 (2)	1,772	400
Twin Falls S.S. Canal	2,180	0	2,180
Milner Reservoir	35,750 (a)		
Snake River at Milner	1,140	1,140	0
Diversions Heise to Shelley	4,705	355	4,350
Diversions Shelley to Blackfoot	2,335	1,241	1,094

(a) Acre-feet; other quantities in cfs.

(1) Minidoka N.S. & S.S. added together.

(2) Storage for P.A. Lateral, A Lateral, N.S. X-Cut Gooding added to Twin Falls N.S.

PRECIPITATION

	<u>Last Week</u>	<u>Month of Sept.</u>	<u>Normal for Sept.</u>
Jackson Lake	0"	0"	1.28"
Palisades	0	0	1.77
Island Park	0	0	1.44
Ririe	0	0	1.14

Filling part of 1/24/1891 water rights on all reaches of the Snake River except: Teton River 6/01/1884; Willow Creek 4/01/1883; Snake River Blackfoot to Milner 3/26/1903.

RONALD D. CARLSON, Watermaster

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WATER DISTRICT 1  
ANNUAL MEETING

A G E N D A

- 9:30 a.m. Welcome by Mayor Tom Campbell
- 9:45 a.m. Sherl Chapman - IWUA Legislative & Education  
Committee Reports
- 10:00 a.m. Call to Order
- Election of Temporary Chairman  
Election of Temporary Secretary
- Reading of Minutes for 1987
- Selection of Committees  
Henry's Fork Dist. #1 (Main river ab Lorenzo)  
Lower Valley Dist. #2 (Feeder Canals)  
Dist. #3 (Lorenzo to Shelley)  
Dist. #4 (Below Shelley)
- Report on Committees & Elections
- Committees Excused: Credentials, Order of Business
- Roll Call
- Election of Committee of Nine
- 11:45 a.m. Lunch Break (No host luncheon - \$5.00 roast beef)
- 1:00 p.m. Reports
- Bureau of Reclamation  
a. Water Supply Outlook  
b. BOR Activities
- Dave Shaw - Adjudication of the Snake &  
IDWR Activities
- Dale Rockwood - Annual Report of the Committee of Nine
- 2:15 p.m. Ron Carlson - Watermaster's Report
- 2:30 p.m. Resolutions & Election of Watermaster  
Unfinished Business  
New Business
- ADJOURN

TOTAL WATER DISTRICT NO. 1 VOTING RIGHTS

<u>DISTRICT</u>	<u>AMOUNT</u>
District No. 1	17,048
(Main River abv Lorenzo)	
(Minus Willow Ck	15,898)
District No. 2	21,053
(Feeder Canals)	
District No. 3	22,181
(Lorenzo to Shelley)	
Willow Creek Rights	247
District No. 4	22,313
(Below Shelley)	
Lower Valley	73,787
North Fork	9,093
(Above Crosscut)	
North Fork & Teton Canals	25,862
(Below Crosscut)	
Teton Basin	<u>4,886</u>
TOTAL VOTES	196,470

ATER RIGHTS ENTITLED TO VOTE

1937 ANNUAL MEETING

WATER DISTRICT NO. 1

DISTRICT NO. 1 MAIN RIVER ABOVE LORENZO

<u>NAME</u>	<u>IRRIGATION RIGHTS</u>	<u>VOTES</u>
Poplar Irrigation Dist.	36.	180
Progressive Irrigation Dist.		
Snake River	1,196.9	5,984
Willow & Sand Creeks	230.	1,150
Farmers Friend Canal Co.	494.7	2,473
Enterprise Canal Co.	250.	1,250
Mattson-Craig	36.45	182
Sunnydell Irrigation Dist.	235.32	1,177
Lenroot Canal Co.	233.74	1,169
Reid Canal Co.	225.8	1,129
Texas Slough Irrigation	176.	880
Liberty Park Irrigation	182.	910
Bannock Jim	19.2	96
Hill Pettinger	12.96	65
Nelson-Corey	15.8	<u>79</u>
total		16,724
	(Minus Willow Ck	15,574)

MINOR RIGHTS

Taylor Lott	4.0	20
Ira Spaulding	1.1	5
Marvon Newby	11.6	58
M. Georgia	6.0	30
Nelson	0.18	1
Covington	16.	80
Arnsberger	9.	45
Preston Parkinson	14.	70
R. Roth	<u>3.</u>	<u>15</u>
total		324
		<u>16,724</u>
total		17,048
	(Minus Willow Ck	15,898)

DISTRICT NO. 1 - WILLOW CREEK

<u>NAME</u>	<u>IRRIGATION RIGHTS</u>	<u>VOTES</u>
Loertscher	1.6	8
Ferguson	6.1	30
Wallace Reid	4.0	20
Sargent & Summers	11.0	55
Sperry	3.4	17
Orval Avery	9.72	49
Roy Avery	<u>13.71</u>	<u>68</u>
Total . . . . .	49.53	247

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DIVISION NO. 2 FEEDER CANALS

<u>NAME</u>	<u>IRRIGATION RIGHTS</u>	<u>VOTES</u>
Butler Island	67.57	338
Ross & Rand	8.14	41
Steele	13.	65
Harrison	621.9	3,109
Cheney	13.8	69
Lowder Slough Canal Co.	85.	425
Rudy Irrigation & Canal	291.13	1,456
Kite & Nord	16.2	81
Burgess	1,101.41	5,507
Clark & Edwards	105.	525
Labelle Irrigating Co.	176.2	881
Rigby Canal & Irrig. Co.	259.	1,295
Dilts Canal Co.	44.	220
Island Irrigation Co.	216.84	1,084
Long Island & Independent Irrig. Co.	453.26	2,266
W. LaBelle Irrig.	172.92	865
Parks & Lewisville Canal Co.	432.52	2,163
North Rigby Irrig. Co.	80.	400
White Ditch	10.	50
Bramwell	30.4	152
Ellis	6.8	34
total		21,026
<u>Minor Rights</u>		
M. Hill	1.5	8
Croft Ditch	3.8	19
total		27
		<u>21,026</u>
total		21,053

DISTRICT NO. 4 LORENZO TO SHILOH

<u>NAME</u>	<u>IRRIGATION RIGHTS</u>	<u>VOTES</u>
Butte & Market Lake	482.49	2,412
Bear Trap	50.2	251
Osgood	142.77	714
Kennedy	41.56	218
New Sweden Irrigation Dist.	1,027.04	5,135
Martin Canal Company	45.9	229
Bear Island	6.82	34
Idaho (Snake R.)	1,430.	7,150
Idaho (Sand Creek)	160.	800
Woodville Canal Co.	158.24	791
Snake River Valley	<u>876.2</u>	<u>4,381</u>
total		22,115
<u>Minor Rights</u>		
B. Tomchak	6.96	35
L. Brown	3.00	15
S.A. Construction	<u>3.21</u>	<u>16</u>
total		66
		<u>22,115</u>
		22,181

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DISTRICT NO. 4

<u>NAME</u>	<u>IRRIGATION RIGHTS</u>	<u>VOTES</u>
Reservation	615.98	3,080
(U.S. Indian Service)		
Blackfoot Irrig. Co.	466.8	2,334
New Lava Side	180.4	902
Peoples Canal & Irrig. Co.	624.2	3,121
Aberdeen Springfield Canal Co.	1,480.	7,400
Corbett Slough	252.43	1,262
Nielson-Hansen	16.	80
Riverside Ditch Co.	192.16	961
Danskın Ditch	284.95	1,425
Trego Ditch Co.	87.11	435
Wearyrick Ditch Co.	87.86	439
Watson Slough Ditch Co.	122.15	611
Parsons Ditch Co.	<u>50.85</u>	<u>254</u>
	4,460.89	22,304
<u>MINOR DIVERSIONS</u>		
A.M. Cannon	<u>1.8</u>	<u>9</u>
total	4,462.69	22,313



LOWER VALLEY

<u>NAME</u>	<u>IRRIGATION RIGHTS</u>	<u>VOTES</u>
Falls Irrigation Dist.	125.	625
Barkdull	12.481	62
Burley Irrigation Dist.	1,199.4	5,997
Minidoka Irrigation Dist.	1,956.6	9,783
A & B Irrigation Dist.	267.	1,335
Milner Low Lift Irrig. Dist.	307.	1,535
Reservoir Dist. #2	2,550.	12,750
North Side Canal Co.	4,560.	22,800
Twin Falls South Side	<u>3,780.</u>	<u>18,900</u>
total		73,787

NORTH FORK CANALS

<u>NAME</u>	<u>IRRIGATION RIGHTS</u>	<u>VOTES</u>
<u>Primary Rights</u>		
Dewey Canal Company	37.2	186
Yellowstone Canal Co.	100.	500
Marysville Canal Co.	322.	1,610
Farmers Own Ditch Co.	107.1	535
Conant Creek Canal	63.05	315
Boom Creek Canal	142.56	713
Squirrel Creek Canal	20.	100
Enterprise Irrig. Dist.	199.2	996
Fall River Canal Co.	492.	2,460
Chester Irrig. Dist.	112.6	563
McBee	4.43	22
Silkey Ditch	27.7	138
Curr Ditch Co.	47.5	<u>237</u>
total		8,375

NORTH FORK DIVERSIONS ABOVE CROSSCUT CANAL

Secondary Rights

Group 1

G. Marotz	.41	2
L. Cherry	3.2	16
F. Howell	5.1	25
D. Woodruff	1.6	8
E.G. Howell #1	5.	20
T. Holcomb	.6	3
R. Lee	2.7	13
R. Ritchey	4.4	22
R.D. Baker #2	5.38	27

D. Larson	2.57	13
Z.J. Egbert #4	2.	10
G. Nedrow	3.	15
M.F. Reynolds #1	2.	10
R & C Baum	1.	5
J. McCulloch	1.	5
A. Nedrow	5.3	26
L. Loosli #1	2.5	12
C.P. Lenz	10.	50
R. Baum	1.01	5
H. Griffel	1.	5
D. Reinke	1.	5
R. Sturm	8.	40
C. Loosli #1	4.	20
K. Nyborg	5.2	26
D. Harshbarger	25.	125
Orme Ditch	2.9	14
D. Zundell	6.13	31
L. Loosli #2	4.	20
C & L Loosli	4.	20
J. Hill	.82	4
T. Potter	4.4	22
L. Martindale #2	4.	20
R.D. Miller (formerly Bell Ditch)	11.2	56
L. Martindale #1	4.	20
G. Blanchard	<u>.57</u>	<u>3</u>
total		718
		<u>8,375</u>
total		9,093

NORTH FORK & TETON CANALS BELOW CROSSCUT

<u>NAME</u>	<u>IRRIGATION RIGHTS</u>	<u>VOTES</u>
<u>MAJOR DIVERSIONS</u>		
Last Chance Canal Co.	225.	1,125
Farmers Friend Canal Co.	296.	1,480
Twin Groves Canal Co.	180.	900
St. Anthony Union Canal Co.	724.	3,620
Salem Union Canal Co.	315.	1,575
Egin Canal Co.	423.	2,115
Independent Canal Co.	435.	2,175
Consolidated Farmers Canal Co.	403.	2,015
Teton Pipeline #4	49.66	248
Teton Pipeline #3	13.94	70
Teton Pipeline #2	27.17	136
Teton Pipeline #1	53.19	266
Canyon Creek Irrig. Co.	70.	350
Canyon Creek Lateral Users	25.33	126
Wilford        )	250.	1,250
Good Luck     )	22.14	111
Teton Irrigation	124.17	621
Siddoway	35.99	180
Pioneer	28.56	143
Stewart	56.55	283
Pincock-Byington	59.12	296
Teton Island Feeder		
Teton Island Co.	366.7	1,833
Salem Irrig. Co.	241.6	1,208
North Salem	26.5	132
Roxana	42.	210
Island Ward	100.	500
Saurey-Sommers Canal	36.	180
McCormick-Rowe	8.6	43
Pincock-Garner	32.1	160
Woodmansee-Johnson	59.8	299
Rexburg Irrigation	<u>300.</u>	<u>1,500</u>
total		25,150

North Fork & Teton Canals Below Crosscut (con't)

Minor Rights

J. Ricks	3.2	16
K.J. Arnold	21.2	106
B. Parkinson	24.93	125
V. Schwendiman	24.93	125
C.M. Olsen	2.53	13
N. Birch	1.2	6
Bud Leavitt	1.6	8
E. Gardner	4.8	24
Bigler Slough	1.6	8
R.R. Ricks	5.6	28
R.O. Wilding	4.15	21
City of Rexburg	<u>46.5</u>	<u>232</u>
total		712
		<u>25,150</u>
total		25,862

TETON BASIN

<u>NAME</u>	<u>IRRIGATION RIGHTS</u>	<u>VOTES</u>
String Canal	88.74	443
Trail Creek Irrig. Co.	229.3	1,146
Fox Creek	141.5	707
Garden Water Company	90.8	484
Cherry Grove Canal	29.6	148
Grand Teton Canal	337.2	1,686
Leigh Creek Canal Co.	<u>54.4</u>	<u>272</u>
total		4,886

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ANNUAL WATER DISTRICT NO. 1 MEETING

March - 1988

SELECTED COMMITTEES FROM ALL AREAS

COMMITTEE OF NINE

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ADVISORY

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ORDER OF BUSINESS

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CREDENTIALS

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ANNUAL WATER DISTRICT NO. 1 MEETING

March 1, 1988

SELECTION OF COMMITTEES FROM

(Comm of Nine )

MAIN RIVER ABOVE LORENZO (Dist No. 1)

Select ONE for each committee)

COMMITTEE OF NINE

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ORDER OF BUSINESS

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CREDENTIALS

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Signed \_\_\_\_\_

CHAIRMAN

2.



ANNUAL WATER DISTRICT NO. 1 MEETING

March 1, 1988

SELECTION OF COMMITTEES FROM

(Comm of Nine )

GREAT FEEDER CANALS (No. 2)

(Select ONE for each committee)

COMMITTEE OF NINE

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ORDER OF BUSINESS

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CREDENTIALS

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Signed \_\_\_\_\_

CHAIRMAN

7

ANNUAL WATER DISTRICT NO. 1 MEETING

March 1, 1988

SELECTION OF COMMITTEES FROM

(Comm of Nine )

MAIN RIVER-LORENZO TO SHELLEY (No. 3)

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(Select ONE for each committee)

COMMITTEE OF NINE

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ORDER OF BUSINESS

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CREDENTIALS

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Signed \_\_\_\_\_  
CHAIRMAN

P.

ANNUAL WATER DISTRICT NO. 1 MEETING

March 1, 1988

SELECTION OF COMMITTEES FORM

(Comm of Nine )

MAIN RIVER-SHELLEY TO BLACKFOOT (No. 4)

(Select ONE for each committee)

COMMITTEE OF NINE

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ORDER OF BUSINESS

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CREDENTIALS

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Signed \_\_\_\_\_  
CHAIRMAN

P.

ANNUAL WATER DISTRICT NO. 1 MEETING

March 1, 1988

SELECTION OF COMMITTEES FROM

(Comm of Nine)

HENRYS FORK & TETON

(Select TWO for each committee)

COMMITTEE OF NINE

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ORDER OF BUSINESS

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CREDENTIALS

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Signed

CHAIRMAN

P.

ANNUAL WATER DISTRICT NO. 1 MEETING

March 1, 1988

SELECTION OF COMMITTEES FROM

(Comm of Nine)

LOWER VALLEY

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(Select THREE for each committee  
plus alternate for Committee of Nine)

COMMITTEE OF NINE

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ORDER OF BUSINESS

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CREDENTIALS

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Signed \_\_\_\_\_

CHAIRMAN

PROPOSED

R E S O L U T I O N S

Water District 1  
March 1, 1988

1. That the watermaster continue to apply the best available methods and technology to better assure: more accurate deliveries of natural flow and stored water, improved regulation procedures, the availability of water supply and diversion records to the waterusers, and that all waterusers are charged for water deliveries on an accurate and equitable basis.

BE IT FURTHER RESOLVED that the watermaster continue to expand automated data collection where it can effectively reduce personnel costs, travel costs, or result in cost or water savings for Snake River waterusers through better and more current data.

2. That the waterusers of Water District 1 continue the cooperative program with the Idaho Department of Water Resources as outlined in the Memorandum of Understanding signed by the Chairman of the Committee of Nine and the Director of the Department of Water Resources on March 3, 1979.

3. We recommend that Ronald D. Carlson be re-elected watermaster for the ensuing year. This recommendation shall authorize the watermaster to hire a full time staff of a deputy, assistant, and a clerk, with an aggregate salary not to exceed \$120,000. This amount represents the entire salary of the clerk, assistant, and deputy, and 67% of the salary of the watermaster. Thirty-three percent of the watermaster's salary and benefits shall be paid from non-water district funding provided by the Idaho Department of Water Resources.

4. That the duties of a watermaster shall begin on this date and continue for a period of one full year.

5. Proposed Budget for Water District 1 for the year beginning March 1, 1988.

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## HYDROGRAPHERS

Teton Basin	880 hrs. (+ miles)	\$ 6,160
Idaho Falls	1,320 hrs. (+ miles)	0
Lower Valley	320 hrs. (+ miles)	2,300
Henrys Fork	800 hrs. (+ miles)	5,780
Falls River	1,440 hrs. (+ miles)	11,000
Teton River	520 hrs. (+ miles)	<u>3,200</u>
		\$ 28,440

*same as last*

## RIVER RIDERS

Heise Division	1,200 hrs. (+ miles)	\$ 7,500
Blackfoot Division	600 hrs. (+ miles)	3,000
Swan Valley	480 hrs. (+ miles)	3,000
Upper Falls River	125 hrs. (+ miles)	1,100
South Leigh	100 days @ \$5 (inc. mi)	500
Willow Creek	5 mos. @\$550 (inc. mi)	<u>2,600</u>
		\$ 17,700

*\$150<sup>00</sup>*

Otto Otter	\$ 1,500
Retirement	5,500
State Tax	800
Social Security	8,500
Mileage	16,500
State Insurance Fund	2,350
Employment Insurance	1,500
Miscellaneous hydrographer expense	300
Part-time help	3,000
Legal Fees	40,000
Committee of Nine	<u>15,000</u>
	\$ 94,950

*\$3,450*

<u>IDWR Contract</u>	\$161,700)
Includes watermaster & staff	)
Salary, benefits, computer costs	)
Watermaster Report	2,000
Watermaster travel	2,000
Postage, supplies, rent, overhead, etc.	9,000
Audit	<u>2,600</u>
	\$177,300

*\$5,900*

Total . . . . . \$318,390

6. WHEREAS, it is the watermaster's responsibility to assure the proper delivery of both natural flow and storage supplies to all waterusers, and;

WHEREAS, the normal cost of delivering water to many diversions is less than their normal assessments when based upon their total season use of water;

NOW, THEREFORE, BE IT RESOLVED that the watermaster is hereby authorized to assess a \$15.00 minimum charge for every diversion within Water District 1.

7. Resolved that the watermaster shall prepare a report in accordance with Idaho Code, §42-614, which shall become the official billing to the individual waterusers, canal companies, and irrigation districts, and is hereby authorized to collect all of the expenses of delivering the waters of the district, including his salary and that of his assistants, and shall make all disbursements necessary to the conduct of the business of administering and delivering the waters of the district.

Resolved that no ditch, canal company, or other waterusers shall have the right to demand and receive water, and the watermaster shall not deliver to such person until receipt of the amount due and payable from such user.

Resolved that copies of the minutes of the annual meeting, the budget as approved, all resolutions approved, and the report prepared in accordance with §42-614, shall be filed with the county clerks of Bonneville, Madison, Teton, and Fremont Counties.

8. WHEREAS, the Committee of Nine has been appointed by the Idaho Water Resource Board pursuant to §42-1765, Idaho Code, and;

WHEREAS, the watermaster of Water District 1 has traditionally acted on behalf of the Committee of Nine in leasing stored water within Water District 1, and;

WHEREAS, it is necessary to an orderly rental program that the watermaster continue to have the authority to act on behalf of the Committee of Nine,

THEREFORE, BE IT RESOLVED that for the purpose of renting water, the watermaster be considered a member of the Committee of Nine.



9. With the exception noted in Resolution No. 8, we recommend that the Committee of Nine be continued with nine regular members. The members representing the Burley and Minidoka Irrigation projects are to be alternated between the two districts as they arrange. In addition, advisory members representing the Bureau of Reclamation, Teton Basin, Gooding Canal, A & B Irrigation, and a member from the Burley or Minidoka District; whichever is not currently represented on the regular committee be included. Any canal company or district desiring to have representatives attend meetings of the Committee of Nine should notify the watermaster, who will then advise them of the date and time of committee meetings so that they may have the opportunity to attend such meetings.

10. WHEREAS, it is in the best interest of the waterusers of Water District 1 to account for all diversions which might adversely affect any prior natural flow or storage diversions;

BE IT RESOLVED that the watermaster shall collect records of water diversions during the entire year.

11. Water Supply Bank

Rule 1. AUTHORITY AND STATEMENT OF PURPOSE.

1.1. These rules and regulations have been adopted pursuant to Idaho Code, §42-1765 to assure orderly operation of the Upper Snake Water Supply Bank. Under no circumstances shall these rules and regulations be construed to limit or restrict the authority of the Director of the Department of Water Resources, the Water Resources Board, the Committee of Nine, or the Snake River watermaster in discharging their duties as set forth in the statutes of the State of Idaho.

1.2. It is the purpose of these rules and regulations to:

1. Provide a process, consistent with the Idaho Code, by which stored water supplies may be made available for a specified period of time to water users who need additional water.

2. Provide incentives for those owning reservoir space and having stored water, which is surplus to their needs, to make such space/water available to other users and uses.

3. Establish a recognized system through which water supplies can be located, identified, advertised, and subsequently bought, sold, or leased.

4. Provide a dependable source of revenue for Water District 1 to make improvements in distribution to expand water supplies or to aid in increasing efficiency in the use of water on the upper Snake River.

Rule 2. DEFINITIONS.

- 2.1. Acre-foot is a volume of water sufficient to cover one acre of land one foot deep and is equal to 43,560 cubic feet.
- 2.2. Annual refers to the period between annual meetings of Water District 1 and normally will be a period starting the first Tuesday in March and ending on the first Monday of March of the succeeding year.
- 2.3. Bank means the Upper Snake Water Supply Bank as operated by the Committee of Nine of Water District 1.
- 2.4. Board means the Idaho Water Resources Board.
- 2.5. Bureau means the federal Bureau of Reclamation or BOR.
- 2.6. Committee means the Committee of Nine unless otherwise specified.
- 2.7. Department means the Idaho Department of Water Resources or IDWR.
- 2.8. Director means the Director of the IDWR.
- 2.9. District means Snake River Water District 1.
- 2.10. Lease is the agreement through which a specific amount of storage space or/stored water is obtained from the Water Supply Bank for use during a specified period of time.
- 2.11. Insurance water is stored water that is made available on a continuing basis to supply additional flows for hydropower and other uses only under certain agreed upon drought conditions with payments being made to those agreeing to give up the storage for loss of production.
- 2.12. Lessee is the entity leasing space/water from the Water Supply Bank.
- 2.13. Lessor is the entity providing space/water to the Water Supply Bank.
- 2.14. Milner means Milner Dam or the lowest diversion in water District 1.
- 2.15. Mitigation means releasing water from storage pursuant to the instructions of the director, to replace projected ground water depletions.

2.16. Rental Pool Committee means a sub committee of the Committee of Nine composed of the Snake River watermaster, superintendent of the Minidoka Project, and three regular members of the Committee of Nine.

2.17. Rental Pool means the reservoir space assigned to the water bank during any given year.

2.18. Space means all or any portion of the active impoundment volume of a reservoir measured in acre-feet.

2.19. Storage means the portion of the available space that is storing water.

2.20. Rent (or rental) means lease.

2.21. Watermaster means the watermaster of Water District 1.

2.22. Sale means the acquisition of water from space assigned to the water bank.

2.23. Paid-out means the spaceholder construction contract(s) with the U.S. Government have been fulfilled.

### Rule 3. GENERAL.

3.1. It is the policy of the Water Resources Board and the Committee of Nine to operate the Water Supply Bank for the maximum beneficial use of available water supplies.

3.2. Operation of the Water Supply Bank will be by and for the irrigators within Water District 1 through the Committee of Nine. All rules and regulations are designed to assure that water stored in federal reclamation reservoirs is first maintained and made available for irrigation before other uses are considered.

3.3. The operation of the Water Supply Bank shall in no way recognize any obligation to maintain flows below Milner Dam or assure the minimum stream flows established at the USGS gaging station on the Snake near Murphy unless specific arrangements to do so are made with the watermaster through valid agreements for releasing water for mitigation, insurance contracts, or annual storage lease agreements.

3.4. The operation of the "Water Bank" shall be consistent with the statutes creating the Water Supply Bank and the Rules and Regulations of the Idaho Water Resources Board and the provisions of the spaceholder contracts with the United States.

3.5. Storage space is accepted for the water bank on a contingency basis. Payments to the lessor will be made to the extent contract monies are received by the Water Bank pursuant to these rules.

#### Rule 4. MANAGEMENT.

4.1. The Water Supply Bank shall be operated pursuant to Idaho Code, §42-1761 to 42-1766 with all policies being established through the approval of the Committee of Nine.

4.2. A committee composed of the watermaster, the superintendent of the BOR's Minidoka Project and three members of the Committee of Nine shall be appointed by the chairman and shall have the following general responsibilities:

1. To determine general policies regarding annual storage leases which may not be covered by the adopted rules and regulations.

2. To assist the watermaster in the allocation of water leased from the bank if conflicts arise.

3. To advise the Committee of Nine on water banking activities.

4. To set policies for the disbursement of funds generated by the water bank.

4.3. The watermaster shall act as the manager of the water bank. His authority shall include accepting water into the bank, executing lease agreements on behalf of the Committee of Nine, disbursing and investing funds generated through the lease of stored water and distribution of water supplies from the water bank.

#### Rule 5. ASSIGNMENTS.

5.1. Any individual, irrigation district, canal company, or other entity who owns space in a reservoir located in Water District 1 may assign any portion of this space to the Water Bank.

5.2. Space assignments will be identified by reservoir. If no designation is made in assigning space in federal reservoirs to the water bank it shall be understood that American Falls' space will be assigned before Jackson and Jackson space will be assigned before Palisades' space.

5.3. Storage assignments, are subject to the acceptance of the Rental Pool Committee. Reservoir space submitted for assignment may be rejected in whole or in part by the watermaster and Rental

Pool Committee or they may place special conditions on uses, allocation, and price if, in the judgement of the Rental Pool Committee, accepting said water will not be in the best interest of the water bank.

5.4. Anyone who attempts to assign space to the bank and feels aggrieved by the decision of the Rental Pool Committee may ask for a hearing before the Committee of Nine within fifteen (15) days.

5.5. The Committee of Nine, after hearing the arguments of the one claiming to be aggrieved, shall decide the issue by majority vote.

5.6. Assignments of storage to the water bank shall be on a priority basis as set forth in rule 6.

5.7. Assignments of storage space shall be in writing on forms provided by the watermaster and shall bear the date they were received in the watermaster's office in Idaho Falls.

5.8. Assignments of reservoir space may be made for periods of up to 20 years. Any space assigned for periods in excess of two years shall be subject to Rule 9 of these Water Bank Rules and Regulations.

5.9. All space assigned to the water bank shall be under the control of the watermaster and the Rental Pool Committee for the duration of the lease.

#### Rule 6. PRIORITIES.

6.1. Anyone holding space in a federal or private reservoir who assigns space for annual lease and designate such space available by July 1 of any year shall share proportionally in the proceeds from the lease of all or part of the yield from such space in that year.

6.2. Anyone holding space in a federal reservoir who assign space for annual lease after July 1 of any year shall receive proceeds from the sale of all or any part of the water sold which was made available after July 1 of that year on a "first come" basis.

6.3. All water from reservoir space designated for lease before July 1 of any year will be sold before any water from space assigned after July 1 will be sold.

6.4. Whenever an assignment is made for an annual lease it will be assumed that it is the intention of the lessor to assign sufficient space to yield the amount of water designated.

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6.5. If a spaceholder should chose to assign all of his space to the water bank the "yield" of that space shall be determined by the watermaster. Yield will be determined by the percentage the reservoir filled minus evaporation.

Rule 7. LESSOR PRIORITIES.

7.1. Any water available through the water bank for annual use shall be provided on a priority basis.

7.2. The first priority in acquiring water from the water bank shall be given to those irrigation water users owning space in the various storage reservoirs of the Bureau of Reclamation in the Snake River Basin above Milner Dam.

7.3. The second priority in acquiring stored water from the water bank shall be given to other irrigation water users who divert water above Milner Dam and are located within Water District 1.

7.4. Priority among water users of each priority listed above and who execute annual contracts to obtain stored water during a given year shall be determined by the date on which the water user's contract and payment is received at the office of the upper Snake River watermaster in Idaho Falls; the earlier in the year the executed lease is received by the watermaster, the higher the priority in the priority group the entity will receive.

7.5. Any water user having once initiated a contract for stored water may request water in subsequent years by confirming, in writing, that all of the information on the original lease is true and correct, and by identifying the amount of water he wishes to purchase. The priority in this case will be the date on which payment is received by the watermaster.

7.6. Space assigned to the water bank from reservoirs with paid-out federal contracts shall be first reserved for allocation for irrigation purposes. Anyone leasing water from such space for irrigation shall be subject to all applicable water laws of the State of Idaho but shall not as a result be subject to the reporting requirements of the Federal Reclamation Reform Act of 1982 (RRA). If sufficient space is not available in paid-out reservoirs and stored water is acquired from a reservoir with remaining federal repayment contracts, then anyone acquiring such water shall be responsible for compliance with the limitations and reporting requirements of the RRA.

7.7 Any water diverted within Water District 1 without adequate natural flow and storage entitlements will be charged by the watermaster as storage used. Any such unauthorized use of water shall be replaced from available water bank supplies at a cost to the user equal to the established water bank price plus fifty cents (\$ .50) to cover increased administrative costs. The administrative costs may be waived by the watermaster if, in his judgement, such unauthorized use resulted from measurement or accounting errors.

7.8 Water leased under an annual lease agreement and unused for irrigation purposes may be returned to the Water Bank by September 1. Monies refunded shall be reduced to cover the estimated twenty-five cent (\$ .25) administrative cost to Water District 1 and twenty-five cents (\$ .25) to offset the O & M costs of the lessors.

#### Rule 8. LEASE PAYMENTS AND WATER COST.

8.1. The lease price of water assigned to the water bank shall be set by the Committee of Nine each year.

8.2. The price of water available from the water bank shall be set by the Rental Pool Committee and approved by the Committee of Nine each year. The established base price shall be \$2.00 per acre-foot diverted plus an administrative charge of \$ .50 per acre-foot.

8.3. The lease price and the administrative charges for leases in excess of one year shall be negotiated by the Rental Pool Committee and the lessee and shall remain as negotiated for the term of the lease.

8.4. The lease price for 1988 shall be \$2.50 including administrative charges for both irrigation and non-irrigation water users.

8.5. Lease payments to the lessors shall be made in accordance with rule 6 and shall be based upon the data published in the annual report of the Snake River watermaster. Payments to the lessors shall be considered due and payable once the watermaster has calculated the actual water used within Water District 1 for the annual watermaster's report.

8.6. The Rental Pool Committee may authorize the watermaster to make partial payments to lessors based upon provisional data when, in the watermaster's judgement, such partial payments can be made with reasonable certainty.

Rule 9. LONG-TERM LEASES.

9.1. The Committee of Nine may arrange leases of storage space for periods not to exceed 20 years. Such long-term leases will be negotiated on a case-by-case basis and may be supplied from anticipated future annual space/water assignments to the Water Bank or from specific long-term space assignments, or a combination of the two.

9.2. Contracts for long-term leases shall not be subject to the provisions of rules 6 and 7, except that the agricultural preferences identified in rule 7 shall apply when there is competition for limited long-term supplies.

9.3. Any contract for long-term lease shall contain the following information:

- A. Name and address of lessor.
- B. Amount of storage space obligated.
- C. The lease price.
- D. The legal description of the point of diversion and place of use.
- E. The duration of the lease.
- F. The understanding of responsibilities and exposures if reservoir space does not fill at some time during the term of the lease.

12. WHEREAS, it is in the interest of all waterusers to have the water rights within Water District 1 delivered according to the priority system; and,

WHEREAS, the accounting system now used by Water District 1 requires that each diversion have assigned to it a specific list of decreed, licensed, and storage entitlement; and,

WHEREAS, those diversions which have no record of water rights on file with the Department of Water Resources or the Water District Office will, necessarily be taking storage water any time a diversion takes place.

NOW, THEREFORE, BE IT RESOLVED that no diversion shall be allowed to divert water unless the proper list of rights for that diversion are found in the watermaster's records or proper arrangements have been made to procure an adequate water supply prior to the start of the irrigation season.

13. WHEREAS, Idaho Code §41-605 provides that "water districts may, by resolution adopted at an annual meeting change the date for annual meetings in subsequent years to any weekday . . . between the Second Monday of January and the Third Monday in March . . ."; and,



WHEREAS, it has been determined the the First day of March is generally acceptable as a meeting day as long as it does not fall on a Saturday, Sunday, or Monday.

WHEREAS, it is the desire of the waterusers of Water District 1 here assembled to establish the First day of March as the date for future annual meetings unless it should fall on a Saturday, Sunday, or Monday, in which case it shall be scheduled for the First Tuesday in March.

NOW, THEREFORE, BE IT RESOLVED by the waterusers of Water District 1, meeting this First day of March, 1988, in regular annual session, that the next annual meeting shall be scheduled for Wednesday, March 1, 1989, and subsequent meetings shall be scheduled pursuant to this resolution unless otherwise modified and that the watermaster be directed to give appropriate notices thereof.

RESOLUTION 14

WHEREAS, the Federal Clean Water Act requires states to adopt a suitable antidegradation policy; and,

WHEREAS, the EPA has adopted national guidelines governing such policies; and,

WHEREAS, Idaho has in place many of the procedures to meet these guidelines; and,

WHEREAS, environmental groups have sued the EPA to force the agency to promulgate an antidegradation plan and policy for Idaho.

NOW, THEREFORE, BE IT RESOLVED that Water District 1, meeting this First day of March, 1988, supports passage of House Bill 652 as the antidegradation policy and plan for Idaho.

Dated this 1st day of March, 1988.

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CHAIRMAN, Committee of Nine

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SECRETARY, Committee of Nine

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RESOLUTION 15

WHEREAS, it has been over eleven years since the collapse of the Teton Dam; and,

WHEREAS, during that period of time the United States Government has made extensive investigations and studies to pinpoint the cause of its failure, and representatives of the United States government have informed the people of the Upper Snake River Valley of Idaho that a safe dam can be built at the present dam site; and,

WHEREAS, the need for the Teton Dam and Project has not diminished but has increased by reason of growing demands for upstream storage, power, flood control, fish and wildlife, and recreation; and,

WHEREAS, the citizens of the Upper Snake River Valley ever since the failure of the Teton Dam, have expressed their desire that the dam be reconstructed and have urged its reconstruction by resolutions unanimously adopted every year at local, district, and state water meetings, copies of which have been sent to the Idaho Congressional Delegation, the Secretary of Interior, and the U.S. Commissioner of Reclamation.

NOW, THEREFORE, BE IT RESOLVED by this Assembly representing the water users of the Upper Snake River area of Idaho, that the U.S. Government forthwith commence reconstruction of the Teton Dam of the Lower Teton Basin Federal Reclamation Project.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to each member of Idaho's Congressional Delegation, to the Secretary of Interior, and to the U.S. Commissioner of Reclamation.

Dated this 1st day of March, 1988.

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CHAIRMAN, Committee of Nine

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SECRETARY, Committee of Nine

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RESOLUTION 16

16A  
not accepted

SALE OF STORAGE WATER OUTSIDE DISTRICT

WHEREAS, it is anticipated that an application will be made to the U.S. Bureau of Reclamation and to the Idaho Department of Water Resources seeking approval of the sale, permanent transfer, and change in nature of use of storage water located in Palisades, American Falls, and Jackson Lake Reservoirs; and,

WHEREAS, a permanent change in water use patterns to places of use outside the present boundaries of Water District 1 may impact existing water users and water use patterns;

NOW, THEREFORE, BE IT RESOLVED by Water District 1 meeting in annual session this First day of March, 1988, that the District opposes the permanent transfer of natural flow rights or water storage rights appurtenant to lands within the district to lands or uses outside the District.

Dated this 1st day of March, 1988.

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CHAIRMAN, Committee of Nine

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SECRETARY, Committee of Nine

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RESOLUTION 17

WHEREAS, the Committee of Nine has been elected by the water users of Water District 1 to advise the watermaster and represent the interest of water users during the year; and,

WHEREAS, the Committee of Nine has been selected by the Water Resources Board to represent the interest of water users in the negotiating of federal reserved and Indian water rights; and,

WHEREAS, the Committee of Nine has selected people representing all areas of the Snake River drainage above Milner Dam to serve on a negotiating committee and to represent water users at the negotiations sessions; and,

WHEREAS, there must be an agreed upon spokesman for water users at the negotiations with the authority to negotiate an agreement with the tribe and federal government;

NOW, THEREFORE, BE IT RESOLVED that the water users of Water District 1, meeting in regular annual session this First day of March, 1988, support the Water Resources Board in the appointment of the Committee of Nine to represent the interests of irrigators for the purpose of negotiating a settlement of federal reserved and Indian water rights.

Dated this 1st day of March, 1988.

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CHAIRMAN, Committee of Nine

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SECRETARY, Committee of Nine

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RESOLUTION 18

WHEREAS, the City of Idaho Falls proposes the construction of a power plant on the Snake River near Shelley; and,

WHEREAS, the City has negotiated with the Water District concerning the replacement of the District's existing gaging station with an acoustical velocity meter; and,

WHEREAS, there are many unknowns concerning an acoustical velocity meter;

NOW, THEREFORE, BE IT RESOLVED by Water District 1 meeting this First day of March, 1988, that the District continue its protest to the water right application for the Shelley Power Plant until such time as it has been satisfactorily demonstrated that an acoustical velocity meter will serve the purpose of the District or, if it is not so demonstrated, that the Committee of Nine, the watermaster, and the District's attorneys insist that the existing gaging station be replaced with a broad crested weir if construction of the project is to go forward.

Dated this 1st day of March, 1988.

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CHAIRMAN, Committee of Nine

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SECRETARY, Committee of Nine

RESOLUTION 19

SENATE CONCURRENT RESOLUTION NO. 129

WHEREAS, the legislature is considering a concurrent resolution directing the Legislative Council to appoint a committee to undertake and complete a study regarding groundwater quality standards in Idaho; and,

WHEREAS, a great deal of confusion has been caused by differing EPA positions and Health and Welfare positions in this field;

NOW, THEREFORE, BE IT RESOLVED by Water District 1 meeting in session this First day of March, 1988, that the Water District supports the adoption of concurrent Senate Resolution No. 129.

Dated this 1st day of March, 1988.

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CHAIRMAN, Committee of Nine

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SECRETARY, Committee of Nine

RESOLUTION 20

SUBMERGED LANDS

WHEREAS, the Idaho State Land Board has recommended rules to provide for certain procedures to be followed and fees to be paid for the use of any State property; and,

WHEREAS, the recommended rules provide that easements are required for all uses of such State property; and,

WHEREAS, water delivery organizations in the State of Idaho have historically inundated reservoir lands which are recognized as lands belonging to the State; and,

WHEREAS, the recommended rules provide that fees are required to be paid and permissions are required to be obtained by water delivery organizations in the State of Idaho for uses including, but not limited to, diversion structures and lands that lie beneath reservoirs; and,

NOW, THEREFORE, BE IT RESOLVED by Water District 1 meeting this First day of March, 1988, that the State Land Board is hereby encouraged to review an change their recommended rules so as to eliminate these unnecessary complications that would require water delivery organizations to obtain easements and pay fees for such uses.

Dated this 1st day of March, 1988.

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CHAIRMAN, Committee of Nine

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SECRETARY, Committee of Nine



RESOLUTION 21  
PALISADES RELEASES

WHEREAS, 1988 is the second drought year in a row; and,  
WHEREAS, space holders worked to obtain the authorization for the Palisades Project and are obligated by contract with the federal government for the O & M and construction costs associated with irrigation storage space; and,

WHEREAS, under present conditions Palisades Reservoir will not fill; and,

WHEREAS, the water rights for the Palisades project and the Idaho Constitution guarantee the right to divert all available Snake River flows to the extent of the rights; and,

WHEREAS, water users have consistently compromised this right in deference to the fish and wildlife on the South Fork Snake; and,

WHEREAS, during the drought of 1977 releases from Palisades were decreased to 550 cubic feet per second (cfs) without any long lasting affects; and,

WHEREAS, the fish and wildlife values on the South Fork remain important to the water users,

NOW, THEREFORE, BE IT RESOLVED that the water users of Water District 1 meeting this First day of March, 1988, agree to forego storage in Palisades if such storage would require reducing the flows on the South Fork Snake River below 550 cfs.

Adopted this 1st day of March, 1988.

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CHAIRMAN, Committee of Nine

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SECRETARY, Committee of Nine

RESOLUTION 22

MILNER ENVIRONMENTAL  
IMPACT STATEMENT

WHEREAS, the Federal Energy Regulatory Commission (FERC) recently issued a Draft Environmental Impact Statement for the Milner Power Project which suggest winter instream flows and kayaker flows as a precondition of the power license to build the project; and,

WHEREAS, a zero flow below Milner has been established in the State Water Plan and by state law; and,

WHEREAS, FERC has no authority to either issue water rights or set instream flows in the State of Idaho; and,

WHEREAS, the existing water rights structure have dictated the flow at Milner for the past fifty years; and,

WHEREAS, the recommendations in the Draft Environmental Impact Statement cannot be met by the applicants, the Twin Falls and North Side Canal companies under state law;

NOW, THEREFORE, BE IT RESOLVED by the water users of Water District 1, meeting this First day of March, 1988, that the Federal Energy Regulatory Commissioner be directed to disregard the recommendations of the Draft Environmental Impact Statement in issuing the license to construct the proposed Milner Project.

Adopted this 1st day of March, 1988.

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CHAIRMAN, Committee of Nine

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SECRETARY, Committee of Nine

RESOLUTION 23

RIVERS PROTECTION BILL

WHEREAS, the State of Idaho has proposed a rivers protection bill for the purpose of establishing a river protection plan which will qualify as a comprehensive plan under FERC definitions; and,

WHEREAS, said plan could then be used to attempt to preempt the Northwest Power Planning Council's Protected Area Rivers Designations presently being proposed;

NOW, THEREFORE, BE IT RESOLVED by Water District No. 01 meeting in session this 1st day of March, 1988, that Water District No. 01 supports the concept of a protected rivers legislation and the comprehensive plan to be formulated by the State of Idaho, so the decision making will be at home.

BE IT FURTHER RESOLVED that the position be communicated to the Idaho Legislature.

Dated this 1st day of March, 1988.

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CHAIRMAN, Committee of Nine

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SECRETARY, Committee of Nine

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RESOLUTION 24  
PUBLIC TRUST DOCTRINE

WHEREAS, the Idaho Supreme Court, in the case of Kootenai Environmental Alliance v. Panhandle Yacht Club, 105 Idaho 622, 671 P.2d 1085 (1983), adopted the Public Trust Doctrine as expressed in the California case of National Audubon Society v. Superior Court of Alpine County, 33 Cal.3d 419, 189 Cal. Rpts. 346, 658 P.2d 709 (Cal. 1983); and

WHEREAS, said Idaho Supreme Court, in the case of Shokal v. Dunn, 109 Idaho 330, 707 P.2d 441 (1985), indicated that the Public Trust Doctrine applies to the water resources of the State of Idaho and that the Idaho Department of Water Resources has some obligation to protect such resources under the Public Trust Doctrine; and

WHEREAS, in the recent case before the Idaho Department of Water Resources, In the Matter of Application for Permit to Appropriate Water No. 36-7200 (Idaho Department of Parks and Recreation, Applicant; Rim View Trout Co. Protestant, et al), the Director of the Idaho Department of Water Resources concluded as a matter of law that he had a duty to protect public uses of public trust water resources and that such "duty is a continuing duty, which may take precedence over vested rights"; and

WHEREAS, rights to the use of the water resources of the State of Idaho for irrigation purposes, properly appropriated under the law, are constitutionally protected, cannot be denied except for failure to pay the reasonable charges associated with such use, constitute real property as an appurtenance to the benefited land, and cannot be taken by the State except through the proper exercise of the power of eminent domain and upon payment of just compensation therefore;

NOW THEREFORE, BE IT RESOLVED, that the waterusers of District 01 meeting in annual session this first day of March, 1988, urge the Idaho Department of Water Resources to consider and protect vested water rights as directed by the Idaho Constitution, and refrain from taking any action adverse to such constitutionally properly vested rights which amounts to a taking of all or part thereof without complying with the law of eminent domain requiring the payment of just compensation therefor.

Dated this 1st day of March, 1988.

CHAIRMAN, Committee of Nine

SECRETARY, Committee of Nine

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RESOLUTION 25

Snake River Basin Adjudication

WHEREAS, the Snake River Basin Adjudication has been initiated; and

WHEREAS, the United States Justice Department has taken the position that all domestic and stock water rights must be claimed as part of the process so that the court can maintain jurisdiction under the McCarren Act; and

WHEREAS, such a position will require the filing of between 80,000 and 120,000 claims to approximately 2 percent or less of the waters of the Snake River Basin;

NOW, THEREFORE, be it resolved by Water District No. 01, meeting this 1st day of March, 1988, in Idaho Falls, Idaho, that the U.S. Justice Department be encouraged to reconsider their position and that the Idaho Congressional Delegation, the Governor and the Idaho Legislature leaders be advised of the burdensome position taken by the Justice Department and be encouraged to seek reversal of the position.

DATED this 1st day of March, 1988.

CHAIRMAN, Committee of Nine

SECRETARY, Committee of Nine

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RESOLUTION ~~26~~ *BIO 26*  
SNAKE RIVER STUDY

WHEREAS, Congress has passed legislation requiring a study of the Snake River as part of the approval of the Swan Falls Agreement; and

WHEREAS, preliminary negotiations to determine the scope of such study are underway; and

WHEREAS, no apparent provision has been made for participation by the irrigation interests in determining the scope of the study;

NOW THEREFORE BE IT RESOLVED that the waterusers of District 01, meeting this first day of March, 1988, authorize and direct the Committee of Nine to appoint an authorized representative to appear and represent the waterusers of District 01 in all scoping meetings and negotiations related to said study.

Dated this 1st day of March, 1988.

CHAIRMAN, Committee of Nine

SECRETARY, Committee of Nine

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RESOLUTION 27  
RESOLUTION IN SUPPORT  
OF HB 463

WHEREAS, irrigation canals and diversion structures have been part of the natural environment of Southern Idaho for the past 110 years; and,

WHEREAS, canals provide water courses for fishing, floating, and other recreational purposes that may be indistinguishable from natural channels; and,

WHEREAS, any hazards associated with recreational or other uses of irrigation canals, or streams in which diversion structures are located should not be viewed differently from the use of undeveloped natural streams; and,

WHEREAS, the recognition that the public use of irrigation facilities should not impose increased burden of liability on the people owning and operating irrigation facilities,

NOW, THEREFORE, BE IT RESOLVED that the water users of Water District 1 meeting in regular annual session this First day of March, 1988, support HB 463 to encourage its enactment by the Idaho State Legislature.

Adopted this 1st day of March, 1988.

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RESOLUTION 28

LEGISLATIVE OVERVIEW OF  
INSTREAM FLOW APPLICATIONS

WHEREAS, the granting of water rights is a function of the executive branch of government through the Idaho Department of Water Resources; and,

WHEREAS, irrigators would oppose the legislature having the responsibility of giving final approval to water right permits granted by the director for irrigation, industrial, power, or other uses; and,

WHEREAS, any instream flow permit approved by the director bears the priority date of the date the application was filed and is held by the Water Resources Board who can amend or vacate the filing in the future if necessary; and,

WHEREAS, legislative overview is redundant besides violating accepted principles of separation of powers,

NOW, THEREFORE, BE IT RESOLVED that the water users of Water District 1 meeting this First day of March, 1988, oppose legislation to require legislative approval of any water right issued by the director according to state law.

Adopted this 1st day of March, 1988.

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CHAIRMAN, Committee of Nine

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SECRETARY, Committee of Nine

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RESOLUTION 29

SENATE BILL 1283

WHEREAS, Senate Bill 1283 provides for indemnification of directors, officers, agents and employees of irrigation districts who are required to pay judgments or advance fees in their own defense even though they were acting in good faith and in their official capacity;

NOW, THEREFORE, BE IT RESOLVED by Water District No. 01 meeting in session this 1st day of March, 1988, that Water District No. 01 supports said indemnification legislation.

DATED this 1st day of March, 1988.

CHAIRMAN, Committee of Nine

SECRETARY, Committee of Nine

WATER DISTRICT NO. 1 ANNUAL MEETING MINUTES

Elks Lodge, Idaho Falls, Idaho  
March 3, 1987

The information portion of the Annual Meeting of Water District No. 1 was called to order at 9:10 a.m. by Dale Rockwood. Ron Carlson presented the latest slide show that has been developed for the Committee of Nine.

Sherl Chapman then reported for the Legislative and Education Committees of the Idaho Water Users Association. Sherl expressed concern over the impacts on agriculture of the hazardous waste bills being proposed. He advised of the water use fee being proposed for groundwater management. Sherl cautioned about a bill being proposed to provide for lake management districts. He indicated the association's concerns in Opposing SB 1143 which would remove all qualifications for the Director of the Idaho Department of Water Resources. Sherl said the Executive Committee of the association had met and decided to support HB 55 which would require positive legislative action before a minimum streamflow would be effective. Sherl indicated that the Otto Otter Program continues to expand with over 10,000 children seeing the program during 1986. Sherl announced the association's summer law seminar in Elkhorn and the NWRA summer meeting at Sun Valley. He also advised that a ditch rider workshop will be held March 4 in Idaho Falls to provide instruction in aquatic weed control and water measurement.

Mel Erikson, of the City Council, then welcomed the water users to the City of Idaho Falls.

The official meeting of Water District No. 1 was called to order at 10:00 a.m. Dale Rockwood was nominated and elected temporary chairman. Reed Murdock was nominated and elected temporary secretary. The minutes of the 1986 annual meeting were then read by Reed Murdock and approved as read.

Next the representatives from the various areas of Water District 1 were excused to select representatives for the Committees on Credentials, Order of Business, and Committee of Nine.

Ron Carlson read the names of those selected for the various committees, and members of the Order of Business and Credential were excused to caucus while Lyle Swank called roll.

DeWitt Moss then reported for the Committee on Order of Business. It was moved and second that the report be adopted. The motion carried. Carlos Nielsen then reported for the

Committee on Credentials. A motion was made to adopt the recommendations of the Committee on Order of Business. The motion was seconded and passed by acclamation.

Clen Atchley moved that those nominated for the Committee of Nine be elected. The motion was seconded by Lewis Tiehl and passed by unanimous vote.

Dale Rockwood reported for the Committee of Nine and advised that there has been little progress in the Indian Negotiations beyond establishing the PIA numbers by the respective technical experts. He said the most recent PIA evaluation does not reveal much additional land to be developed on the reservation from surface water sources. Dale cautioned that water users need to be particularly vigilant during difficult economic times. He advised that there will be attempts to remove the qualifications for the Director of the Idaho Department of Water Resources and the "zero flow" requirement at Milner. Dale advised that during 1986 the Committee of Nine helped finance installation of six broadcrested weirs on upper Snake canals. Dale complimented the water district staff and the Minidoka Project staff for the work they did in water distribution and flood control during 1986.

Earl Corliss then reported that the water supply outlook for 1987 will be comparable to 1981 with a projected yield of about 60% of average.

Max Van Den Berg then reported that the Jackson reconstruction is on schedule and would be ready to store water in the fall of 1988. Max said that compliance with the reporting requirements of Reclamation Reform has been high. He advised that the BOR is working to make compliance as easy as possible. Max then added that an application to install a power plant on Island Park has been received. He reported that application has been received twice before and turned down because they did not meet BOR requirements. Max also talked about erosion control around American Falls Reservoir and said that significant work has been accomplished with the available funds because of the work and equipment provided by the spaceholder entities.

The meeting was adjourned at 11:50 a.m. for lunch and reconvened at 1:10 p.m.

Dick Marmillion of the Freds James Company talked about director liability insurance. This is separate coverage from regular liability insurance and is too expensive for many companies to afford.

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Next Dave Shaw, of the Idaho Department of Water Resources, reported on the Snake River Adjudication and Indian Negotiations. Dave said that the adjudication is scheduled to be stated in July but the negotiations with the Shoshone-Bannock Tribes probably will be on hold until the tribe gets more legal help. Dave also advised that the Swan Falls settlement is still awaiting FERC approval. A bill to require FERC approval has passed the Senate.

Ron Carlson then gave the watermaster's report. He showed slides which demonstrated the rapid increase in snow pack that resulted from February storms in 1986. He indicated that without the flood control provided by the upper Snake reservoirs, floods through Idaho Falls would have exceeded the peaks observed during the Teton flood by over 10,000 cfs. Ron advised that 1987 will undoubtedly be a short water year but if water users manage their water and don't use water like it is the last they will ever see, supplies should be adequate.

The next item on the agenda was the reading of the resolutions for 1987. Bob Knudsen moved that next year a better break down of expenses be available. The motion was seconded and passed. The first 13 regular resolutions passed as submitted by unanimous vote. Resolution 14, objecting to SB 1143, which would remove the qualifications for the director passed without dissent. Resolution 15, supporting the legislative approval of the minimum streamflow on the Henry's Fork passed over opposition from the Fremont-Madison Irrigation District. Two resolutions relating to legislative overview over instream flow were tabled and not considered. Resolution 17, opposing Wild and Scenic River Designation for the Henry's Fork passed by acclamation. Resolution 18, supporting the reconstruction of Teton Dam passed by unanimous vote.

Reed Oldham then moved that Ron Carlson be elected watermaster for 1987. The motion was seconded and passed by unanimous ballot.

Dennis Hjelm then moved that the 1988 Water District Meeting be held in Pocatello. The motion failed. It was agreed by consensus of the water users that the 1988 meeting be held at the Elks again. A motion was made that we express our appreciation to the Elks for their fine service; motion carried.

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There being no further business the meeting was adjourned at  
3:20 p.m.

Reed D. Murdock  
REED D. MURDOCK, Secretary  
Committee of Nine

## 1988 REPORT

### OF

#### THE COMMITTEE OF NINE

At each annual meeting since 1919, Snake River water users have elected nine representatives to serve as advisors to the watermaster for the ensuing year. Each year there have been a different set of problems and issues for the Committee of Nine to deal with. There were, however, certain specific issues of concern that continued on year after year for decades. Looking back through the records of Water District 1 and the Committee of Nine, it is apparent that during the first four decades after the water district was established the distribution of storage and the construction of new storage facilities were continuing concerns.

When we review the drought of 1987 and plan for the drought of 1988, the importance of the work accomplished by our predecessors in getting the authorization and funding for the six major reclamation projects we now rely upon is undisputed. However, history may show that these were easy times when compared to the 1980's and 1990's. The issues we are facing now and for the foreseeable future are complex and probably cannot be resolved by water users simply agreeing upon and pursuing reclamation projects, even if they had a chance of being built. The problems we face involve special interest groups, rules, policy, and laws at the state and federal level. A recent example would be the designation of 12,000 miles of "protected streams" in Idaho by the Pacific Northwest Power Planning

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Council. By this action, an entity with no authority to do anything but make recommendations has attempted, through the recognition of their actions by the Federal Energy Regulatory Commission, to establish minimum stream flows on these 12,000 miles of rivers and canals. This was nothing more than a thinly veiled attempt to establish a federal mechanism for setting instream flows in the State of Idaho. This action would foreclose, without state remedy, any future opportunities for hydropower development and perhaps grazing with in one quarter mile of the designated stream banks.

The Swan Falls issue and the resulting adjudication of water rights will be with us for decades. While the adjudication will have the positive effect of quantifying all rights to water in the Snake River Basin, water users should never forget that the adjudication is the result of an effort of an entity who had no recognizable water rights wanting to improve it's position. Because the priority system of water rights is a "relative" system, it is possible to get more rights decreed than you have recorded now and still end up with less. For this reason, it is essential that each water user group not only file accurate and complete claims in the adjudication, but keep track of their exposure vis a vis other claims.

The Committee of Nine, as representatives of all Snake River water users, has drafted a proposed agreement to settle the reserved water rights claims of the Shoshone-Bannock Indian

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tribes fairly, while protecting the status quo to the extent possible. This agreement has not been accepted by the tribe and we may find that litigation is the only option if an agreement that protects the present priority structure cannot be reached. We certainly hope that this will not be the case.

One year ago we were entering a drought situation after experiencing one of the biggest water years of record in 1986. The reservoirs were in little danger of not filling and we were optimistic that residual water from 1986 would improve the natural flow supplies over the amount forecast. While 1987 was marked by substantially reduced natural flow supplies, the above average precipitation in May, June, and July effectively made up the difference. As a consequence, of 365,000 AF of water assigned to the water bank, 173,000 went unsold. It is unlikely that this will repeat this year.

During 1987, nearly \$204,000 was spent from the Water Bank Improvement Fund for projects that directly or indirectly benefit all water users served by Water District 1. Over half of the monies expended went for streamgaging and data collection improvements. Cost sharing for weir installation accounted for an additional \$15,200. Other items for which monies were spent include acquiring aerial photos to establish low flow conditions below Jackson Dam, pump diversion monitor study, Indian negotiations expenses, and work to better predict irrigation diversions and natural flow supplies.

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The improvements that have been made in water distribution through the Water Bank are producing identifiable benefits. As we go into the drought year of 1988 there is no question that the watermaster is better equipped to cope with the drought than he was a decade ago. This does not mean that there will not be shortages in a drought. It does mean more equitable distribution of available supplies. Weirs and automated data collection have improved the accuracy of water distribution for many water users. We will continue to improve the tools for water distribution in Water District 1. The bottom line is ultimately water rights. The State is commencing the \$28 million dollar adjudication of water rights. The rights decreed by the court are only as valuable as the system established to assure their delivery.

DISBURSEMENTS from February 28, 1987 to February 26, 1988

Social Security & Federal Tax (hydrographers)	\$ 8,352.92
Postage	1,890.96
Petty Cash Reimbursement	50.00
Water District & Water Resource Coop	136,795.58
Retirement System	5,811.23
Rudd & Company - 1987 Audit	2,566.10
Employment Insurance	1,004.20
State Insurance Fund	2,374.95
State Taxes	719.27
IWUA Membership	500.00
Otto Otter	220 00
Misc. Office Expense	3,474.10
Committee of Nine	5,783.24
Legal Expense - Kent Foster	38,937.68
John Rosholt	4,767.23
Improvement Fund Expenses	217,809.98
USGS/Wackerli Realty	15,045.80
Watermaster Travel & Meeting Expense	840.26
Bookshelf Bindery (1985 WM Report)	1,079.10
Rental Pool Disbursements	
Rental Refunds	199,000.00
Rental Payments - 1987	353,811.99
Bitton, Dennis (\$2,773.50 net wage)	2,773.50
Blanchard, Gail (\$3,185.64 net wage, \$1,841.60 mi. expense)	5,027.24
Blauer, Harold (\$1,404.61 net wage, \$68.08 misc. expense, \$636.80 mi. expense)	2,109.49
Brown, Wilbur (\$5,136.61 net wage, \$4,550.00 auto hire)	9,686.71
Carl, Richard (\$334.20 net wage)	334.20
Carlson, D. Vince (\$1,774.17 net wage)	1,774.17
Larson, Arthur (\$111.42 net wage)	111.42
Lenz, Viola (\$1,123.34 net wage, \$900.54 mi. expense)	2,023.88
Lindsay, Lyle (\$301.76 net wage, \$325.00 auto hire)	626.76
Lindsay, Virginia (\$1,422.00 net wage, \$1,625.00 auto hire)	3,047.00
O'Brien, Dee (\$5,166.22 net wage, \$2,821.00 mi. expense)	8,014.22
Richards, Val (\$11,296.92 net wage, \$4,800 auto hire)	16,096.92
Steele, James B. (\$2,365.78 net wage)	2,365.78
TOTAL	\$ 1,054,825.88

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February 26, 1988

Balances as of 2-28-87

Checking Account Balance	\$	4,617.82
Savings Carried Over	\$	1,416.90
WCMA Account Portfolio Value	\$	270,644.62
Prudential-Bache Portfolio Value	\$	249,789.80
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Accounts from 2-28-87 to 2-26-88

Cash Receipts	\$	1,140,367.64
Deposits from WCMA Acct. to checking	\$	527,000.00
Interest from Checking	\$	5,635.72

Paid Outs	\$	1,054,825.88
Deposits to WCMA account	\$	250,000.00
Deposits to Prudential-Bache account	\$	241,201.00

Savings Account Balance w/int.	\$	1,487.83
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Bank Balance as of 2-26-88	\$	7,711.48
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Prudential-Bache Portfolio Value

(Global Gov.	\$150,000)
(High Yield	\$128,700)
(Strategic Income	\$ 7,720)
(D.B. Fitzpatrick Co.	\$200,957)

WCMA Portfolio Value

(Cash	\$ 13,521)
(Federated Securities	\$ -0-)
(Retirement Income	\$110,606)

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	1987 BUDGETED	1987 SPENT	1988 BUDGETED
<u>HYDROGRAPHERS</u>			
Teton Basin	\$ 6,160	\$ 5,166.22	\$ 6,160
Idaho Falls	0	0	0
Lower Valley	2,300	1,404.61	2,300
Henry's Fork	5,780	3,890.92	5,780
Falls River	11,000	7,406.00	11,000
Teton River	3,200	3,185.64	3,200
Total	\$ 28,440	\$21,053.39	\$ 28,440
<u>RIVER RIDERS</u>			
Rigby & Heise Div.	\$ 7,800	\$ 5,136.61	\$ 7,500
Blackfoot Div.	3,000	1,723.76	3,000
Swan Valley	3,000	2,773.50	3,000
Upper Fall River	800	1,123.34	1,100
South Leigh Creek	500	0	500
Willow Creek	2,750	2,365.78	2,600
Total	\$ 17,850	\$ 13,122.99	\$ 17,700
Otto Otter	\$ 1,500	\$ 220.00	\$ 1,500
State Tax	600	719.27	800
Retirement	4,500	5,811.23	5,500
Social Security	6,000	8,352.92	8,500
Mileage	16,000	17,499.94	16,500
State Insurance Fund	2,000	2,374.95	2,350
Employment Insurance	1,500	1,004.20	1,500
Misc. Hydrographer Exp.	400	68.08	300
Part-time help	3,000	1,280.43	3,000
Committee of Nine	15,000	5,032.72	15,000
Legal Expenses	40,000	43,704.91	40,000
Total	\$ 90,500	\$ 86,068.65	\$ 94,950
IDWR Contract	\$149,000	\$136,795.58	\$161,700
Watermaster Report	\$ 2,200	\$ 1,079.10	\$ 2,000
Watermaster travel	2,500	840.26	2,000
Postage, supplies, copying costs, telephone, etc.	16,000	7,501.91	9,000
Audit	1,700	2,566.10	2,600
Total	\$171,400	\$148,782.95	\$177,300
Grand Totals	\$308,190	\$269,027.98	\$318,390

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February 26, 1988

	1987 <u>BUDGETED</u>	1987 <u>SPENT</u>
<u>HYDROGRAPHERS</u>		
Teton Basin	\$ 6,160	\$ 5,166.22
Idaho Falls	0	0
Lower Valley	2,300	1,404.61
Henry's Fork	5,780	3,890.92
Falls River	11,000	7,406.00
Teton River	<u>3,200</u>	<u>3,185.64</u>
Total	\$ 28,440	\$21,053.39
<u>RIVER RIDERS</u>		
Rigby & Heise Div.	\$ 7,800	\$ 5,136.61
Blackfoot Div.	3,000	1,723.76
Swan Valley	3,000	2,773.50
Upper Fall River	800	1,123.34
South Leigh Creek	500	0
Willow Creek	<u>2,750</u>	<u>2,365.78</u>
Total	\$ 17,850	\$ 13,122.99
Otto Otter	\$ 1,500	\$ 220.00
State Tax	600	719.27
Retirement	4,500	5,811.23
Social Security	6,000	8,352.92
Mileage	16,000	17,499.94
State Insurance Fund	2,000	2,374.95
Employment Insurance	1,500	1,004.20
Misc. Hydrographer Exp.	400	68.08
Part-time help	3,000	1,280.43
Committee of Nine & Legal	<u>55,000</u>	<u>49,488.15</u>
Total	\$ 90,500	\$ 86,819.17
IDWR Contract	\$149,000	\$136,795.58
Watermaster Report	\$ 2,200	\$ 1,079.10
Watermaster travel	2,500	840.26
Postage, supplies, copying costs, telephone, etc.	16,000	7,501.91
Audit	<u>1,700</u>	<u>2,566.10</u>
Total	\$171,400	\$148,782.95
Grand Totals	\$308,190	\$269,778.50

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February 9, 1988

IMPROVEMENT FUND

Balance 2-28-87

\$ 213,634.22

Disbursements:

Madison County	\$ 2,000.00
Montana Aerial	5,940.00
Sutron Hydromets	78,487.38
U of I, Pump Install.	19,654.23
U of I, Irrig. Div.	1,167.02
U of I, Irrig. Model	29,533.35
D.B. Fitzpatrick	2,046.35
ERO Resources	4,636.69
Negotiations Technical	4,561.41
Measuring Dev. Const.	15,196.38
WM Meeting & Travel	225.84
Committee Mtg. & Travel	1,483.33
Streamgaging	<u>52,878.00</u>

\$ 217,809.98

Balance

\$ 4,175.76

1987 Improvement Funds Transferred

\$ 96,083.00

Balance 2-26-88

\$ 91,907.24

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Drought Fund Balance: \$28,728.07

P.

Cost from February 6, 1987 to February 4, 1988

WATER DISTRICT - WATER RESOURCE ACCOUNT

Funds Transferred (2/26/88)	\$136,795.58	
Balance Coop Funds (12/31/87)	<u>5,162.11</u>	\$141,957.69

Watermaster & Staff		
Salary	\$ 87,407.45	
Benefits	19,590.76	
Data Processing	7,454.63	
Codex & Modem Maint.	635.45	
Printing & Misc.	1,407.32	
Travel	<u>217.43</u>	
		<u>\$116,713.04</u>

\$ 25,244.65

General Fund Overhead Charge	\$ 2,257.37
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Indirect Charges	<u>\$ 12,961.99</u>
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Balance (2/4/88)	\$ 10,025.29
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